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OFFICE OF PETITIONS

In re Application of : DECISION ON
Pochmuller et al. : PETITION
Application No.: 10/026,087 :
Filed: 12/21/2001 :
Attorney Docket Number: 10191/2132 :

This is a decision in response to the Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181(a), filed October 27, 2006 (Certificate of Mailing dated October 23, 2006). The petition is properly treated under 37 CFR 1.181. The delay in treating this petition is regretted.

This Petition to withdraw the holding of abandonment is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the final office action mailed September 19, 2005. The final office action indicated that no claims were allowed. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on December 20, 2005. A Notice of Abandonment was mailed September 6, 2006.

The present petition

Applicant files the present petition and asserts that a timely reply to the Office action, to wit – a Notice of Appeal and Extension of time request and fee, were filed on March 20, 2006. In support of this assertion, Applicant files a copy of the reply.

Analysis and conclusion

A review of Office records reveals that the Office received the Notice of Appeal and Extension of Time request and fee on March 23, 2006, which included a Certificate of Mailing under 37 CFR 1.8, certifying that the Notice of Appeal was mailed to this Office on Monday, March 20, 2006.

In view of the above, the holding of abandonment for failure to timely and properly reply to the final office action is hereby withdrawn.

In view of the above, the holding of abandonment is withdrawn.

The application is being referred to Technology Center Art Unit 2629 for processing of the Appeal brief¹.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

A handwritten signature in black ink, appearing to read "Derek L. Woods".

Derek L. Woods
Attorney
Office of Petitions

¹ The time period for filing an Appeal Brief is two months from the date of receipt of the Notice of Appeal. As such, the Appeal brief was also timely filed.